

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**JACQUELINE A AVILA**  
Claimant

**APPEAL NO. 11A-UI-02989-PT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WEST LIBERTY FOODS LLC**  
Employer

**OC: 02/06/11**  
**Claimant: Appellant (1)**

Section 96.5-1-d – Voluntary Quit/Injury

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated March 7, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 1, 2011. Claimant was failed to respond to the notice of hearing to provide a telephone number to be called for the hearing and did not participate. Employer participated by Nikki Bruno, human resources generalist and Sarah Schneider, human resources generalist.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was employed with the employer from September 25, 2006 through January 21, 2011. Claimant was involved in car accident off work and was injured. She requested and was approved for FMLA. This leave was exhausted on December 20, 2010. A few days before this was exhausted the claimant was called and advised that she needed to come in to fill out paperwork to extend her leave. She never did so. She came into the workplace on January 4, 2011 to obtain copies of pay stubs and was asked to wait to speak to Sarah Schneider, human resources generalist but the claimant chose not to stay. She never again contacted the employer or returned to work. She was no longer an employee after January 20, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1-d provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Claimant left employment due to injury on a leave of absence but she never returned to extend her leave or otherwise communicate with the employer to maintain her employment. Her separation was a voluntary leaving and was without good cause attributable to the employer.

**DECISION:**

The March 7, 2011, reference 01, decision is affirmed. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times her weekly benefit amount, provided claimant is otherwise eligible.

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Ron Pohlman  
Administrative Law Judge

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Decision Dated and Mailed

rrp/pjs